

WSR 23-13-103

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed June 20, 2023, 11:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-08-060.

Title of Rule and Other Identifying Information: WAC 182-531-2040
Enhanced reimbursement—Medication assisted treatment for opioid use disorder.

Hearing Location(s): On July 25, 2023, at 10:00 a.m. The health care authority (HCA) holds public hearings virtually without a physical meeting place. To attend the virtual public hearing, you must register in advance https://us02web.zoom.us/webinar/register/WN_QiArFJaqRvCj_rekiEBqoA. If the link above opens with an error message, please try using a different browser. After registering, you will receive a confirmation email containing information about joining the public hearing.

Date of Intended Adoption: No sooner than July 26, 2023.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by July 25, 2023, by 11:59 p.m.

Assistance for Persons with Disabilities: Contact Johanna Larson, phone 360-725-1349, fax 360-586-9727, telecommunication[s] relay service 711, email Johanna.Larson@hca.wa.gov, by July 14, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: HCA is removing any mention of the DATA 2000 waiver in WAC 182-531-2040.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160; Section 1262 of the Consolidated Appropriations Act of 2023 (omnibus bill).

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Jason Crabbe, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-9563; Implementation and Enforcement: Karin Inderbitzin, P.O. Box 45506, Olympia, WA 98504-5506, 360-725-9805.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Citation of the specific federal statute or regulation and description of the consequences to the state if the rule is not adopted: Section 1262 of the Consolidated Appropriations Act of 2023 (omnibus bill).

June 20, 2023

Wendy Barcus

OTS-4618.1

AMENDATORY SECTION (Amending WSR 19-09-052, filed 4/12/19, effective 5/13/19)

WAC 182-531-2040 Enhanced reimbursement—Medication assisted treatment for opioid use disorder. (1) The medicaid agency pays an enhanced reimbursement using the medicare rate when medication assisted treatment (MAT) is part of the visit for selected evaluation and management (E/M) codes and the provider meets the criteria in this section.

(2) The purpose of this enhanced reimbursement is ~~((to encourage providers to obtain and use a Drug Addiction Treatment Act of 2000 waiver (DATA 2000 waiver)))~~ to increase client access to evidence-based treatment using medications for opioid use disorder.

(3) To receive the enhanced reimbursement for MAT, a provider must:

(a) Bill using the agency's expedited prior authorization process;

(b) ~~((Currently use a DATA 2000 waiver to prescribe MAT to clients with opioid use disorder;~~

~~(e)))~~ Bill for treating a client with a qualifying diagnosis for opioid use disorder; and

~~((d)))~~ (c) Provide opioid-related counseling during the visit.

(4) The agency payment for MAT under this section is limited to one enhanced reimbursement, per client, per day.

(5) The agency does not pay an enhanced reimbursement for services a client receives for opioid use disorder through an opioid treatment program facility licensed by the department of health.

[Statutory Authority: RCW 41.05.021, 41.05.160, and 2018 c 299. WSR 19-09-052, § 182-531-2040, filed 4/12/19, effective 5/13/19.]